

THE

# PFB UPDATE



PROFESSIONAL FIDUCIARIES BUREAU

WINTER 2023

## MESSAGE FROM THE BUREAU CHIEF

### *Happy New Year, friends of the Professional Fiduciaries Bureau!*

In collaboration with the Department of Consumer Affairs, the Bureau’s Advisory Committee, and our valued stakeholders (yes, that’s you!), Bureau staff underwent the strategic planning process last fall. This process allowed the Bureau to review its strengths and weaknesses, and then strategize ways to improve how the Bureau carries out its essential functions. How do we provide better service to consumers and licensees? How do we create efficiencies, while preserving a workplace culture of inclusion and support? And how do we do all of this while keeping our mandate to protect consumers front and center?

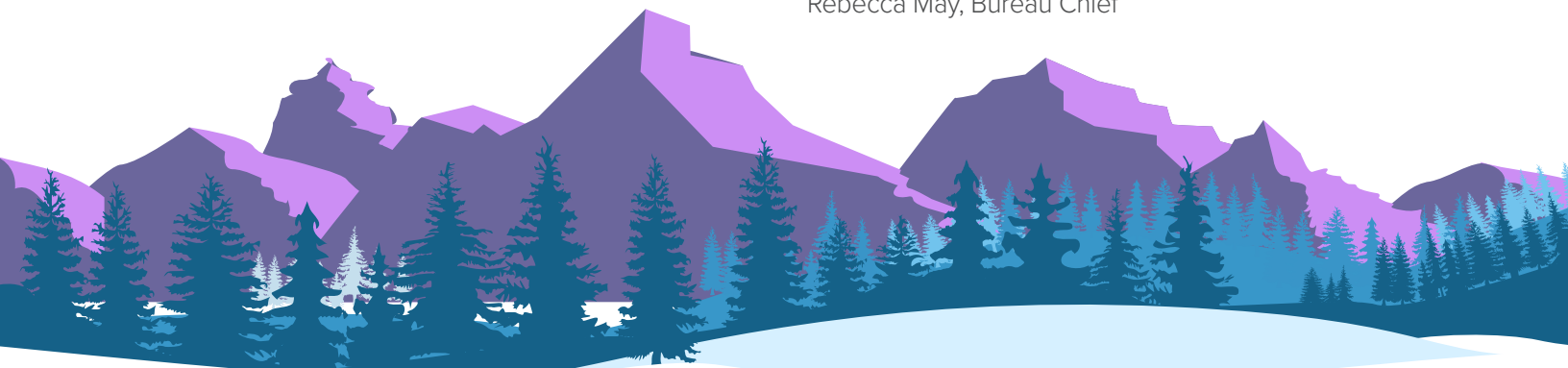
If you participated in the strategic planning survey, please accept my thanks for taking the time to provide your feedback. Please know that your input

is valued and, where possible, addressed in the Bureau’s strategic plan. And even if you weren’t able to participate this time, I invite everyone to view the Bureau’s **Strategic Plan 2023–2026**, which focuses on five areas (Licensing, Enforcement, Communications, Legislation and Regulation, and Administration) and establishes workable goals in those areas for the next four years.

I am also pleased to announce that the Bureau is now offering inactive and retired license statuses to licensees who qualify. Please see page 5 to learn more.

If you would like to provide any input regarding the Bureau or this newsletter, please do not hesitate to reach out to us at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov). May you and your loved ones have a prosperous new year.

Sincerely,  
Rebecca May, Bureau Chief



DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

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# ASK ANGIE

Angela Cuadra is the Professional Fiduciaries Bureau’s resident expert when it comes to the Bureau’s functions. If you have a question regarding applications, licensing, licensing renewals, complaints, enforcement, or any other questions related to the bureau, please email [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov) with the phrase “ASK ANGIE” in the subject line. Questions will be answered directly and, if the question is popular, the answer will be published in our next e-newsletter. Please note that we cannot provide legal advice. Here are some commonly asked questions.

**Q My client’s family member filed a complaint with the Bureau about me and now I have to spend time responding to the complaint instead of working on behalf of my client. Can I bill for my time?**

**A** No. Pursuant to BPC 6581, “A licensee, or an agent working on behalf of a licensee, including an attorney, shall not bill a client or impose a fee on the estate or trust of a client for responding to a complaint filed with the bureau against the licensee.” Think of it this way—if you needed to file a complaint against another licensed professional with their licensing entity, would you expect to receive a bill for their time?

**Q My annual statement was returned to me for being incomplete and delayed the renewal of my license. How can I prevent this from happening next time?**

**A** Processing time may take up to six weeks from the date a complete renewal package is received. If the annual statement is incomplete, it is not considered to be a complete renewal package. It’s important to accurately and completely fill out your annual statement to ensure its timely processing. Common omissions include not providing full case names or the month/day/year of appointment, not answering each and every question on the form, and not signing and dating the bottom of the form. Our website has a helpful [video](#) on how to fill out your annual statement. Additionally, the quickest way to submit your annual statement is by email to [PFBRenewals@dca.ca.gov](mailto:PFBRenewals@dca.ca.gov). Licensees will receive a confirmation of receipt and notification of any deficiencies.

**Q Why doesn’t the Bureau advocate on behalf of its licensees?**

**A** As a licensing entity for the state of California, the Bureau is mandated to prioritize the protection of consumers. This mandate is clearly stated in the Professional Fiduciaries Act (**BPC 6516**): “Protection of the public shall be the highest priority for the Bureau in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.” However, Bureau staff always strive to provide courteous and efficient service to applicants and licensees.





## LEGISLATIVE UPDATE

The following legislation was signed into law in 2022 and may be of interest to our licensees and consumers. Unless otherwise indicated, these bills became effective January 1, 2023. Additional information regarding these bills, including full text and legislative committee analyses, can be found at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

### **AB 1663 (Maienschein) Protective proceedings**

#### **Status: Chapter 894, Statutes of 2022**

This bill revises how probate conservatorships are investigated, established, and terminated. The bill requires courts to provide conservators with written information concerning the conservator's obligations to support the conservatee. It requires the court, within 30 days of the establishment of a conservatorship, and annually thereafter, to provide conservatees under the court's jurisdiction with written information regarding their rights including a personalized list of the rights the conservatee retains. The bill requires the Judicial Council to establish a conservatorship alternatives program within each self-help center in each superior court.

### **AB 2841 (Low) Disqualification from voting**

#### **Status: Chapter 807, Statutes of 2022**

Commencing January 1, 2024, this bill requires the clerk of the superior court of each county to notify the Secretary of State each month of findings made by the court regarding a person's competency to vote and the number of court proceedings related to the determination of a person's competency to vote. The bill requires the Secretary of State, upon receipt of identifying information for the affected persons, to send this information to the appropriate county elections official, who must proceed to cancel the person's registration or notify the person that their right to vote has been restored. The bill requires the elections official to provide notice of the intent to cancel the person's registration between 15 and 30 days before the cancellation. The bill requires the Secretary of State to post a report on their website each month showing the number of disqualifications

and restorations of voting rights that occurred in each county and provide training to court officers and elections officials regarding the aforementioned requirements.

### **SB 1005 (Wieckowski) Conservatorship: sale of personal residence**

#### **Status: Chapter 91, Statutes of 2022**

This bill revises the provisions authorizing the sale of a conservatee's present or former personal residence, or other real or personal property of the estate, to specifically include the power to partition, or bring an action to partition, the personal residence or other real or personal property of the estate. The bill also subjects partition of the conservatee's present or former personal residence to the same conditions that apply to the sale of the residence.

### **SB 1024 (Jones) Replacement of an incapacitated or deceased professional fiduciary**

#### **Status: Chapter 612, Statutes of 2022**

Commencing January 1, 2024, this bill allows the appointment of a professional fiduciary practice administrator to act as a temporary professional fiduciary when a professional fiduciary either becomes incapacitated or dies and a vacancy exists. This bill clarifies that professional fiduciary practice administrators are required to meet certain reporting requirements as part of the licensure renewal process and clarifies that professional fiduciary practice administrators are professional fiduciaries licensed and regulated by the Professional Fiduciaries Bureau.

### **SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations**

#### **Status: Chapter 511, Statutes of 2022**

This bill makes non-substantive, technical changes to the Professional Fiduciaries Act, including: clarifying that licensees are required to report all new and closed casework whether cases are court supervised or non-court supervised; clarifying continuing education requirements are to be completed during the annual renewal cycle; and requiring licensees to keep complete and accurate client records and to make those records available for review by the Bureau upon request.



## REGULATORY UPDATE

The Office of Administrative Law (OAL) recently approved two Bureau regulations related to inactive and retired license statuses as well as the implementation of new cultural competency educational requirements.

On October 25, OAL approved the Bureau's inactive and retired license status regulation, which will allow licensees in good standing and who meet certain requirements to gain inactive or retired status, effective January 1, 2023. Additional information on how to apply for an inactive or retired license can be found on page 5.

On December 28, OAL approved the Bureau's cultural competency regulation, which conformed the Bureau's existing education regulations to new requirements established in statute by **Assembly Bill 465** (Nazarian, Chapter 167, Statutes of 2021). Additional information on cultural competency requirements can be found in the following segment titled "New Cultural Competency Education Requirements for Licensees and Applicants."

If you would like to see the text of either regulation or be added to the Bureau's email list to receive updates regarding proposed regulatory changes as soon as they occur, you are encouraged to visit the Bureau's website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov).

## NEW CULTURAL COMPETENCY EDUCATION REQUIREMENTS FOR LICENSEES AND APPLICANTS

Pursuant to **Assembly Bill 465** (Nazarian, Chapter 167, Statutes of 2021), licensees now have an alternative to the existing ethics coursework component of their annual 15 hours of continuing education. Gaining two hours of ethics coursework will continue to meet the requirement as it always has. However, as of January 1, 2023, licensees can elect to complete two hours of cultural competency instruction or a two-hour combination of ethics **and** cultural competency coursework to meet the requirement instead.

Applicants for licensure **must** complete one hour of instruction in cultural competency as part of their initial 30 hours of education required for licensure.

Cultural competency is defined in **Business and Professions Code Section 6538** as "understanding and applying cultural and ethnic data to the process of providing services that includes, but is not limited to, information on the appropriate services for the lesbian, gay, bisexual, transgender, and intersex communities, ethnic communities, and religious communities."

Please see the Bureau's **website** for a full list of approved providers who may offer courses in cultural competency. As providers request approval from the Bureau for courses in cultural competency, approved courses will be added to the **website**. If you aren't able to locate a cultural competency course, you can still take **two hours of ethics coursework** to meet the requirement while course providers work to expand their cultural competency coursework offerings.



# THINKING OF RETIRING OR TAKING A BREAK FROM YOUR PROFESSIONAL FIDUCIARY PRACTICE?

The Professional Fiduciaries Bureau is now providing inactive or retired license status to licensees who qualify, effective January 1, 2023.

Licensees are eligible to place their license in an inactive or retired status if they meet all the following requirements:

- Have a license in good standing for at least five consecutive years immediately preceding submission of an application, pursuant to Sections 4565 and 4573 of the California Code of Regulations.
- Have no outstanding citations issued by the Bureau, unresolved disciplinary action initiated by the Bureau, or other disqualifying condition, specified in Section 6542(b) of the Business and Professions Code.

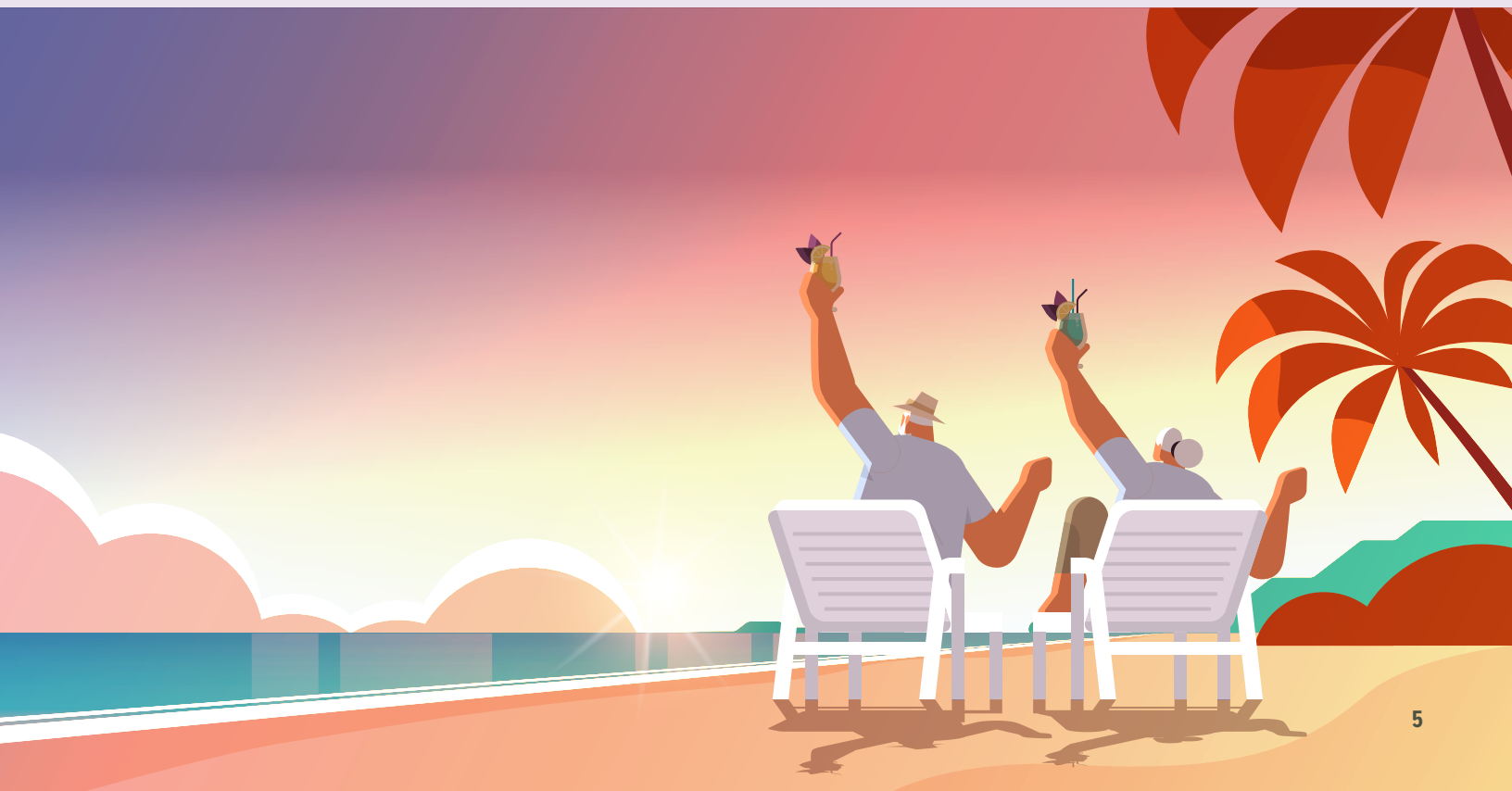
- Have no outstanding orders for cost recovery, pursuant to Section 125.3 of the Business and Professions Code.
- Have no open cases that require active licensure.

Licensees who currently have an expired or delinquent license status, but meet all the other qualifications, are eligible to receive an inactive or retired license status provided they apply on or before January 1, 2024. Canceled licenses are not eligible.

Review the full text of the law for **inactive licenses** and **retired licenses**, as well as information on **fees**.

The inactive license application is available **here**.

The retired license application is available **here**.



# CALLING ALL EXPERTS!

The Professional Fiduciaries Bureau’s expert consultant program provides impartial support to the investigation and enforcement functions of the Bureau.

Expert consultants provide expert reviews and opinions on complex complaints received by the Bureau.

To be an expert consultant for the Bureau, you must meet the following minimum criteria:

- 1. Possess a current California professional fiduciary license in good standing for the previous five years.
- 2. Have no prior or pending administrative or disciplinary actions.

- 3. Have an active fiduciary practice with a current case load with at least three clients during your career as a licensed professional fiduciary.
- 4. Possess in-depth knowledge of fiduciary work (trusts, conservatorships, durable power of attorney, and/or guardianships) and the professional fiduciary industry’s best practices.

The Bureau has set the reimbursement rate for fiduciaries conducting case reviews and report writing at \$75 per hour and \$90 per hour for providing expert testimony at an Administrative Hearing.

If you would like to apply, or have questions, please email [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov).

# ANNUAL STATEMENT

Every year like clockwork, licensees are required to submit their **Annual Statement at least 60 days PRIOR** to the expiration date of their license. This important requirement is a condition of licensure pursuant to **Business and Professions Code section 6562**.

Licenses will not be renewed unless an updated and complete Annual Statement is on file. Further, licensees who do not send in their Annual Statement on time risk practicing with an expired license and may be subject to administrative or enforcement actions.

Please be sure to use the most current version of the annual statement form.

Need help filling out your Annual Statement? Visit our website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov) for a helpful tutorial video. You are also welcome to call us at (916) 574-7340 or email us at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov).







# VISION AND MISSION STATEMENTS

## OUR VISION

The well-being of consumers receiving professional fiduciary services is safeguarded.



## OUR MISSION

To protect consumers through licensing, consumer education, and enforcement of the Professional Fiduciaries Act and promote and uphold competency and ethical standards across the profession.

## QUICKER SUBMISSION OF INITIAL AND ANNUAL STATEMENTS

The Professional Fiduciaries Bureau is always looking for ways to decrease processing times, make the renewal process more convenient, and reduce its paper usage when possible. There are three ways to submit Initial and Annual Statements to the Bureau:

- **By email**—[PFBRenewals@dca.ca.gov](mailto:PFBRenewals@dca.ca.gov)

Emailed Initial and Annual Statements will be sent a confirmation message of receipt. Please do not mail duplicate copies of your statement(s) as this slows the processing time for Bureau staff.

- **By mail**—1625 North Market Blvd., Suite S-209, Sacramento, CA 95834

The Bureau is unable to provide confirmation of mail receipt. If you would like confirmation of receipt, please use a mail service that provides you a method of tracking and confirmation of delivery.

- **By fax**—(916) 574-8645

The Bureau is unable to provide confirmation of fax receipt. If you would like a confirmation that your fax was received, please ensure your fax machine is set up to provide you a confirmation of delivery.

Please do not send duplicate copies of your statement(s) as this slows the processing time for Bureau staff.



## BUREAU ACTIONS EXPLANATION OF LANGUAGE

### **Accusation**

A formal, written statement of charges filed against a licensee.

### **Citation and Fine**

Licensee is issued a citation and required to pay a fine commensurate with the violation committed.

### **Default Decision**

Licensee fails to respond to an accusation by filing a notice of defense or fails to appear at an administrative hearing.

### **Effective Decision Date**

The date the disciplinary decision/order goes into operation.

### **Letter of Public Reprimand**

A formal reprimand issued by the Bureau, which could be in lieu of filing a formal accusation.

### **Revoked**

The license is voided and the right to practice has ended.

### **Revoked, Stayed, Probation**

“Stayed” means the revocation is postponed, put off. Professional practice may continue as long as the licensee complies with specified probationary terms and conditions. Violation of probation may result in the revocation that was postponed by the stay.

### **Statement of Issues**

Charges filed against an applicant to deny licensure due to alleged violations of the Professional Fiduciaries Act.

### **Stipulated Settlement**

The case is negotiated and settled prior to hearing.

### **Surrender of License**

While charges are still pending, the licensee agrees to turn in the license—subject to acceptance by PFB.

### **Writ**

An appeal filed by the licensee in Superior Court asking the court to overturn PFB’s decision.





## ENFORCEMENT ACTIONS: 2022 AND 2023

| LICENSEE/APPLICANTS   | LICENSE NUMBER | ACTION TAKEN  | EFFECTIVE DATE |
|-----------------------|----------------|---|----------------|
| Julie Menack          | 346            | <a href="#">Citation</a> Status: Citation Satisfied | 6/2/22         |
| Ronald Olund          | 243            | <a href="#">Citation</a> Status: Citation Satisfied | 6/2/22         |
| Gail Greer            | 143            | <a href="#">Citation</a>                            | 6/14/22        |
| Mary Ocana            | 909            | <a href="#">Citation</a> Status: Citation Satisfied | 7/1/22         |
| Corinne Sinclair      | 568            | <a href="#">Citation</a>                            | 7/1/22         |
| Laura Viets           | 571            | <a href="#">Citation</a> Status: Citation Satisfied | 7/1/22         |
| Ryan Bohamera         | 1082           | <a href="#">Multiple Citations</a>                  | 7/6/22         |
| Victor Jones          | 1078           | <a href="#">Citation</a>                            | 7/14/22        |
| Jeffrey Moore         | 980            | <a href="#">Citation</a>                            | 7/25/22        |
| Dana Conklin          | 379            | <a href="#">Citation</a> Status: Citation Satisfied | 7/25/22        |
| Ryan Bohamera         | 1082           | <a href="#">Accusation</a>                          | 9/14/22        |
| Rita Michael          | 217            | <a href="#">Citation</a>                            | 10/18/22       |
| Gail Greer            | 143            | <a href="#">Accusation</a>                          | 11/29/22       |
| Ryan Bohamera         | 1082           | <a href="#">Revocation</a>                          | 12/1/22        |
| Alexandra Matejic     | 186            | <a href="#">Citation</a> Status: Citation Satisfied | 12/20/22       |
| Linda Maxwell         | 76             | <a href="#">Citation</a>                            | 12/29/22       |
| Deirdre Nesbit-Combs  | 309            | <a href="#">Citation</a>                            | 1/9/23         |
| Paula Rebecca Bibbs   | 267            | <a href="#">Citation</a>                            | 1/13/23        |
| Rick Ronald Emmett    | 936            | <a href="#">Citation</a> Status: Citation Satisfied | 1/18/23        |
| Kathryn Anne Glenn    | 453            | <a href="#">Citation</a>                            | 1/23/23        |
| Winnie Weshler        | 202            | <a href="#">Citation</a>                            | 1/26/23        |
| Vida Negrete          | 111            | <a href="#">Citation</a>                            | 1/26/23        |
| Virginia Rae Douglass | 139            | <a href="#">Citation</a>                            | 2/1/23         |
| Gail Greer            | 143            | <a href="#">Revocation</a>                          | 3/6/23         |

## IMPORTANT BUREAU UPDATES AND HOW TO RECEIVE THEM

The Bureau is now on Facebook and Twitter! Follow the Bureau by clicking on the following icons or going to the specified link:



[www.facebook.com/  
CaliforniaProfessionalFiduciariesBureau](https://www.facebook.com/CaliforniaProfessionalFiduciariesBureau)



<https://twitter.com/FiduciaryBureau>



Additionally, if you would like to receive notifications from the Bureau about upcoming events, new regulations, and Advisory Committee meetings, please sign up to receive email notifications by clicking [HERE](#).

## SEND US YOUR FEEDBACK

We hope you find *The PFB Update* useful. The Bureau welcomes your comments and suggestions for future issues. You can contact us by phone at (916) 574-7340 or by email at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov). Click [here](#) to find previous online copies of *The PFB Update*.

Please share this newsletter with your colleagues and let them know they can sign up to receive a copy by joining the Bureau's interested party list. Click [here](#) to subscribe.

## 2023 OFFICE CLOSURE DATES

|                      |  |
|----------------------|--|
| PRESIDENTS DAY       | MONDAY, FEBRUARY 20                        |
| CESAR CHAVEZ DAY     | FRIDAY, MARCH 31                           |
| MEMORIAL DAY         | FRIDAY, MAY 29                             |
| INDEPENDENCE DAY     | TUESDAY, JULY 4                            |
| LABOR DAY            | MONDAY, SEPTEMBER 4                        |
| VETERANS DAY         | FRIDAY, NOVEMBER 10                        |
| THANKSGIVING HOLIDAY | THURSDAY AND FRIDAY,<br>NOVEMBER 23 AND 24 |
| CHRISTMAS            | MONDAY, DECEMBER 25                        |

## UPCOMING ADVISORY COMMITTEE MEETINGS

|                |                    |
|----------------|--------------------|
| MARCH 15, 2023 | SEPTEMBER 20, 2023 |
| JUNE 21, 2023  | DECEMBER 13, 2023  |

## ADVISORY COMMITTEE MEMBERS

**Bertha Sanchez Hayden**, chair, nonprofit organization advocating on behalf of the elderly  
**Denise Nelesen**, vice chair, public member  
**Chi K. Elder**, public member  
**Wendy Hatch**, licensee  
**Elizabeth R. Ichikawa**, probate court investigator  
**James Moore**, licensee  
**Vacant**, licensee

## BUREAU STAFF

**Rebecca May**, bureau chief  
**Angela Cuadra**, program analyst  
**Sue Lo**, enforcement analyst

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

### LOCATION

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### CONTACT

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